



STEVE SENN / SENNCO

18336 Aurora Ave N. Ste 112-421, Shoreline, WA 98133
(206) 403-7399 – e-mail stevesenn@gmail.com

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To: Mail Stop PEITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**“Renewed Petition Under 37 CFR 1.137 (b)” REVISED AMENDMENT PRACTICE
(Rev. 6/03)**

Application No. : 09/888,554 Confirmation No.
Applicant : Steven M Senn
Filed : June 26, 2001
TC/A.U. :
Examiner : Michael Cuff
Docket No. :
Customer No. :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir: In response to the Office Action of December 18, 2008, please amend the above identified application as follows:

Amendments to the Title begin on page 2 of this paper.

New Amendment Abstract Under 37 CFR 1.172 begin on page 3 of this paper.

Amendments to the Specification begin on page 4 of this paper.

Amendments to the Claims are reflected in the listing of claims, which begins on page 17 of this paper.

Amendments to the Drawings begin on page 24 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks / Arguments begin on page 22 of this paper.

Amendments to New References Cited Addition begin on page 21 of this paper.

Application No. 09/888,554
Amendment Dated January 22, 2009
Reply to Office Action of October 3, 2003

Amendments to the Title:

Title: (current): Retail Customer And Product Purchase Divider With Interactive Retail Transaction Functions.

Title: (currently amended): A Checkout Counter Customer Product Purchase Divider Adapted to Receive Electronics For Interactive Retail Transaction Functions.

Amendments to the Specifications:

BACKGROUND OF THE INVENTION

Please replace paragraph [0001] with the following amended paragraph:

[0001] Presently at supermarkets and stores a plastic unit that sometimes has some advertising on it or inserted into the interior is used to divide customer check out placement and products purchased at the point of purchase (POP) counter from other customers. These dividers presently come in different shapes and sizes. The following invention improves the divider into a combination customer and product divider with electronic interactive retail transaction functions. The customer can use the divider to find information about the store, read product and store updates, view video advertising, secure individual electronic coupons, donate to a charity of choice and self bar code scan products or coupons. ~~enter weight products~~, swipe enter bank and store cards and help complete the check out function. The divider will not be limited performing one but a number of customer retail transaction functions or tasks. ~~Present supermarket POP systems are very expensive and often require a capital expenditure and complete register system reconfiguration.~~ Also if a customer wants to access all of the retail tasks the transaction divider offers they would have to perform them individually taking more time. ~~To remedy this problem, which prior art fails to address fully, the transaction divider can offer a customer several retail tasks in one system.~~ Supermarkets Stores will be able to add the divider system to their existing purchasing system making the up grade in technology and service affordable. The transaction divider will help expedite the customers experience at the supermarket store and allow a supermarket store to expand their technology. ~~in a POP system for a reasonable cost.~~ The supermarket store will also benefit by increased customer satisfaction, advertising perks, more customer transaction options, ~~less labor cost~~, data tracking and the checkout dividers and system will be paid by advertising revenue., ~~low entry and expansion cost.~~ Also the supermarket store would be able to add this system to their existing POP checkout and register system. ~~for much less cost than purchasing an entire new system.~~

Please replace paragraph [0002] with the following amended paragraph:

[0002] The ~~supermarket~~ store customers are presently using existing ~~plastic non-mechanical~~ ~~an existing non-electronic or non-mechanical plastic non-mechanical~~ checkout counter dividers. The retail transaction divider will not cause the customer to stray from their normal course of shopping. ~~or The supermarkets store to~~ will not loose any POP counter space or require the handling of an additional check out system device. The checkout counter interactive dividers will be located only at the check out counter replacing the existing checkout dividers with new and improved interactive electronic dividers. ~~or the supermarkets~~ Point of purchase counter space is very valuable and the ~~checkout counter transaction~~ divider will be used in the existing checkout counter space that is now taken up by the present ~~plastic non-electronic checkout counter~~ product purchase dividers. Other similar prior art shows devices that require new POP check out counter space and, or additional handling of a device by a customer or store clerk. The customer and the clerk already handle the present non-mechanical and non-interactive electronic plastic divider and it already occupies POP checkout counter space. The checkout counter electronic transaction divider is an improvement over existing plastic checkout counter dividers and prior art by existing in, and improving existing space and being checkout dividers by incorporating interactive electronics. The electronic checkout divider will be covenant to the users because they handle it while at stores.

Please replace paragraph [0003] with the following amended paragraph:

[0003] The ~~transaction~~ electronic checkout counter transaction divider will be an improvement over prior divides, devices and methods for the store and customers by catering to speed, available retail options, customer feedback, advertising, coupon procurement or use, purchase tracking, updates, information and customers desire for high technology based retail devices. Coupon advertising and product sales can also be accessed by way of communications and the divider system computer. Transaction data can be seen in whole or part down to an individual store or even an individual transaction divider because of an assigned internal identification serial number. Prior art displayed methods of electronic coupon exchange but required additional devices aside from what the customer and checker are using. The checkout counter transaction divider will improve the present method of electronic coupon tracking, solve a problem of paper coupons and not require additional POP checkout counter key space. Charity donations can be tracked to the store, date and individual divider in the same way as coupons. This will be a great benefit to the charities that want put funds back into the communities of origin.

Please replace paragraph [0004] with the following amended paragraph:

[0004] The checkout counter divider will be in constant use at the POP checkout counter and ~~displacing making location~~ and the purpose makes it a high-level advertising, data-gathering device as well as a checkout counter transaction divider. Through the checkout counter transaction dividers internal software serial number that is transmitted with every data exchange will enable the divider data can be accessed swiftly and sorted to track transactions, complete a purchase transaction, advertising, program new offers or advertising remotely, easily submit contributions, customer inquiry and other communications.

Please replace paragraph [0005] with the following amended paragraph:

[0005] Prior patents do not address the use of the checkout counter transaction divider or any supermarket store customer product purchase divider being used that is automated electronic and automated, that contains interactive electronics in the checkout divider housing. Prior art has outlined patents that attempt to create electric coupon systems, retail charity donation systems, self-product scanning systems, point of purchase systems and self-check out systems. Prior art address one or a few of these devices and methods but fall short of ~~the tasks and uniqueness of the transaction divider~~ as an interactive electronic checkout counter divider and a unique and new device. The transaction divider is a unique improvement by merging interactive electronic automation and interaction to the product divider. The present non-mechanical or electronic checkout counter divider ~~customer and product divider~~ is being used in existing space but does not contain automated capabilities.

Please replace paragraph [0006] with the following amended paragraph:

[0006] The retail electronic checkout counter transaction divider, method and process will also overcome problems in these prior patents such as flexibility and cost in a retail transaction system. Supermarkets Stores may not need or want fixed systems that are not flexible. The transaction divider and system will be added to an existing POP system. With customers becoming more technology orientated the need for a more automated POP system is necessary. Advertising will pay for the checkout counter dividers so the stores will not have any monitory investment. Also non-profit and disaster organizations will not have to pay for the fundraising. Unless they advertise on the checkout divider. supermarkets Stores will be able to acquire purchase the system in phases or pieces, which would allow a store to expand its POP technology and keep current. ~~without financial hardship. The divider, method and process will save supermarkets having to upgrade their entire register and data base computer system, which is very costly.~~

Please replace paragraph [0007] with the following amended paragraph:

[0007] A dividers internal serial number that is programmed into the software is transmitted with every data task. The divider system computer in turn communicates with every divider by addressing the individual dividers internal serial number. With the serial number a central geographical location can track any part of a transaction. This will also be helpful in monitoring the condition of any one divider for accuracy or maintenance. The service provider company may perform system software changes and upgrades remotely. Data and programs can also be changed ~~centrally~~ remotely for the supermarkets, advertising companies, manufacturers, charities and other concerns. Being able to do this combined with real time transaction access will save time and money while allowing for faster data retrieval. The tracking system is an improvement over prior art by solving the ability to track tasks and transactions through an ~~automated~~ interactive checkout counter purchase divider.

Please replace paragraph [0008] with the following amended paragraph:

[0008] Electronic coupon redemption is not a standard in ~~supermarkets~~ stores as present. The divider, method and process will allow manufacturers to post discount coupons easily, receive customer use data, geography and use data, update or change coupons listed on the dividers remotely from another central location using phone, internet or satellite. Customers may easily access instant manufacturer coupons from the divider through a menu driven touch display. Customers may also access charities and make a donation that will be reflected on their receipt. The charity information may also be changed remotely through the internet and checkout counter management computer. The charities can receive data on how much money was donated and at which stores the donations were made. The transaction dividers individual identification number existing with the data sent and received achieve the tracking.

Please replace paragraph [0009] with the following amended paragraph:

[0009] Prior art has addressed POP check out methods at the supermarket but falls short of the tasks, methods and convenience offered using the transaction divider. The retail checkout counter interactive transaction divider and methods will allow the customers to pick retail function tasks from a touch screen menu. The menu and tasks will be right at the fingertips of the customer at checkout for changes or completion. The divider and this method will save time and stops for the customer by combining one or more retail tasks.

Please replace paragraph [0011] with the following amended paragraph:

[0011] The main customer interactive menu and functions will include (but not be limited to) one or more of the following: stationary or scroll advertising, store information, coupons or discounts, product updates, announcements, charity donations, self-bar code scanning of cards or coupons, check out functions, read debit cards, read credit cards, read smart cards, read store customer cards by swipe or bar code scanning, ~~weights and scales~~, customer feed back and information exchange. The customer can access any one of these tasks with a keyboard or touch menu display such as the type found in palm-sized computers. As with palm size computers ~~the transaction divider~~ the checkout counter divider will have variations of ~~may have~~ interactive video and audio capabilities. The dividers internal memory and software will allow it to communicate wirelessly with a divider systems computer located in the store. The system computer will communicate with the dividers by a wireless method, infra red, wireless cell phone network phone or bar code scanner. The system computer will work with the store data base computer containing product and price data and existing register system. The customer will receive a receipt showing details and totals of the transaction.

Please replace paragraph [0012] with the following amended paragraph:

[0012] The check out counter divider and system computer combined with the wireless communication system will be able to handle and track of the dividers being used through an internal serial code number that is attached into the transaction data exchange to and from the divider. At check out the checker can download the transaction information with the serial number being attached to the final tally and receipt. This will allow the systems computer to download the transaction data into the store POP and register system.

Please replace paragraph [0013] with the following amended paragraph:

[0013] The customer will use the interactive electronic checkout counter divider at the check out POP counter to separate their placement in line as well as the products purchased for a systemized order of check out. The retail transaction divider can't be separated from a primary goal of a systemized order of check out. ~~If the purchase products are to left in the cart because they were self scanned the order of customer and product check out will still be maintained.~~ When the customer enters "check out now" function on the divider, the divider system computer working with the store data computer will calculate the transactions check order placement electronically and notify the customer when it is their turn to complete the transaction process at the physical POP register. This will also maintain the dividers use as a customer and purchased product by electronically placing the customer.

Please replace paragraph [0014] with the following amended paragraph:

[0014] In one version (the simplest) the divider will translate the data to a bar code scanner via a liquid crystal display LCD. This divider will incorporate an LCD screen that will display product information and a bar code that ~~will~~ can be scanned by the check out clerk. Customer input will be performed with a touch keyboard. This variation may be limited to charity donations and manufacturers electronic coupons because of the limited input keys. The customer will enter desired coupon or donation data using the keyboard. The entered data will generate a unique bar code on the LCD from the dividers memory. When the LCD bar code is scanned by the check out clerk the and data is matched with the manufacturers UPC stored in the stores database a transaction will be entered into the store register system. This tells the stores system what the bar code represents and the value. The checker then clears the divider and places it for use by the next customer and the transaction is recorded on a receipt.

Please replace paragraph [0015] with the following amended paragraph:

[0015] Another version of the device and process will use an interactive menu and touch video screen, such as used in palm computers, for customer input and display. This version may exchange data with the store database via a wireless method. This may include, but not be limited to, infrared, radio or microwave. The dividers will exchange data with a systems computer that in turn is connected with the store database and register computer. The systems computer will govern the divider process and interact with the store database, register and communications systems. The system computer will be able to access telephone, cell phone or Internet systems for data upgrade, data exchange or systems management. This customer touch display variation will be combined with a separate LCD display for bar code scanning transaction communicating data directly into the checkout counter management computer. ~~POP bar code scanner~~. This variation may be used for advertising, electronic manufacturers coupons, and retail purchase and charity donations. Incorporating a divider systems computer will allow a centralized office to remotely monitor or upgrade information and offers to the dividers. Because each divider is separate, groups or individual dividers may offer different tasks and retail offers. Because of the unique internal serial number code in each dividers memory different data can be sent or received making each divider programmable and traceable.

Please replace paragraph [0016] with the following amended paragraph:

[0016] A customer may use the electronic checkout counter divider at the POP checkout counter. The location in the store places the electronic interactive checkout divider on the check out counter or counter system. Because it is a new and improved electronic checkout counter divider, that it's primary functions is to separate customer purchases at the check out counter. And the checkout counter divider and throughout the store by selecting one of the retail functions. If used for self bar code scanning the customer will use the divider as they shop. With weight products the customer will use digital scales connected to a wireless data transmission system. To purchase a weight product a customer will scan a weight products store bar code tag, and then place the product on the scale, enter the scale number prompting wireless transmission of the weight to the divider system computer that will relay the totals to the transaction divider where it is displayed. The product cost and weight are entered in the system computer for pending check out.

Please replace paragraph [0017] with the following amended paragraph:

[0017] The customer may want to enter electronic coupon discounts. This is done by entering the coupon menu and selecting the desired coupons. If the customer wants to make a donation to a charity they may enter this on the divider as well. ~~When they are ready to check out they roll the cart onto a weight scale matt. The cart and the groceries in the store have been weighed individually and entered on the systems computer program. The products combined with the customer's cart should match (or come close) to the scanned items. This will create a system of checks and balances for the store to curtail shrinkage. If the purchased products are not bagged buy a courtesy clerk the checker can still use the weight and visual examination against the scanned data for verification. All of the product data will be relayed to the systems computer by a wireless method of radio, microwave or infrared.~~ The customer may use cash, store card, debit card, credit card or smart card at checkout in a swipe component. When the card is read the data is transmitted to the system computer and relayed to the online card processing service connected with the store database. The card data is not shared with the system computer memory but is forwarded to the appropriate processing company main store register and data computer. The card number and purchase information is kept in the divider working memory until the transaction is completed and then discarded. The checker will use the divider menu and code to prompt the system and store data computer to process the purchase data into a transaction and receipt. Upon completion the store register will print a receipt and the clerk will clear and set the divider for the next customer.

Please replace paragraph [0018] with the following amended paragraph:

[0018] Prior art on the checkout counter divider has not identified an electronic checkout counter divider with interactive electronics installed. A supermarket customer and product purchase divider has not uncovered the combination of a functional-an electronic divider and retail transaction device. This combination will present supermarkets stores with an opportunity to improve efficiency and customer service. Customers want faster service, service in one location and more purchase and savings options. It is necessary for competing supermarkets to provide their customers with the latest in transaction selection and check out technology. ~~Because~~ The checkout counter divider retail device can be added to an existing system. ~~for less cost of a new fixed retail system, it will allow supermarkets that operate on a close margin to be competitive with larger stores. Also their original manual check out system will be intact to be used or as a back up. It will also give a store an option to add to the system as desired or financially able. This will also be good for minimal low cost entry with new technology.~~ Advertising coupons can be instantly transmitted to the stores divider system computer for the customers to access. This is good for the customer and manufacturer. The manufacturer can find out how many customers and the location the coupons were used. This information can be received, processed and expedited much faster because it is electronic. Customers may even vote on their favorite food within the coupon menu display on the divider.

Please replace paragraph [0020] with the following amended paragraph:

[0020] The electronic checkout counter divider and checkout divider system computer will only relay information to a third party that the supermarket database permits and releases. The retail transaction electronic checkout counter divider addresses one or more of these methods and functions. Prior art also did not address a retail customer and product purchase divider with one or more of these interactive electronic functions. The electronic checkout counter divider will not use any more space at the supermarket POP counter that is not already used by the present ~~plastic~~ non-electronic checkout counter dividers. With every transaction checkout counter divider acting as an individual unit data management, tracking, processing and channeling is possible. At this time prior art has not been found for a supermarket store interactive electronic checkout counter retail customer and purchase product divider with interactive electronic retail tasks and functions

SUMMARY OF THE INVENTION

Please replace paragraph [0021] with the following amended paragraph:

[0021] ~~The main component~~ There can be variations of the electronic checkout counter divider and some variations of the retail transaction divider are with the LCD bar code scan capable display for exchanging data, and the wireless method that exchanges data with the divider systems computer. Also the touch keyboard and the touch screen display are a variation from one another. The size, shape, internal and external components, systems, programs, touch display configuration, power sources, menus, commands and functions can also vary because they may be designed and used for supermarkets stores specific needs.

Please replace paragraph [0022] with the following amended paragraph:

[0022] The simplest version will incorporate a liquid crystal display (LCD) that will display any number of unique bar codes to be scanned by the POP scanner. On the touch key version the memory will be internal with a variation of wireless data exchange with a system computer. A number of pre-determined bar codes, that are stored in memory, are assigned to designate key selections on the divider. When a customer enters a selection on the touch keys the corresponding bar code will be displayed on the LCD. When the checker scans the bar code it is compared to a corresponding unique bar code stored in the store database computer and divider system computer. This will prompt the store database to send the purchase data to the register and receipt system. The LCD bar code variation allows a convenient way for the customer to perform a retail transaction because it will already be in their hand as an electronic checkout counter ~~a purchase product divider~~.

Please replace paragraph [0023] with the following amended paragraph:

[0023] The other main variation is a divider with a interactive touch menu display in place of a touch keyboard. This variation may contain a LCD bar code data transfer display for bar code scanning or communicate data wirelessly. This variation may be used for electronic coupon redemption, advertising, retail purchase and charity donations. The LCD or wireless data transfer method, divider layout and commands of the touch menu display can vary as to the supermarkets stores use. The main menu tasks are "on/clear", store information, electronic coupon redemption, charity donations, retail purchase, self bar code scanning for coupons, check out, instructions and category totals. Sub menus for each main task will guide the customer through the process. The sub menus will have touch commands such as scroll, up, down, right, and left. Also other commands like enter, select, delete, back, forward, more, less, total, finish, other, A through Z, numbers and other commands for the supermarkets stores needs.

Please replace paragraph [0024] with the following amended paragraph:

[0024] The most optioned variation will have a touch menu display, solar cell, battery and external charging capabilities, infrared or wireless data exchange, bar code scanner, store, bank and a credit card swipe system. ~~External devices that will work in conjunction with the divider and system computer are digital weight scales and shopping cart pressure weight matt.~~ These devices will transmit and receive data by a wireless or infrared method located at the checkout counter.

Please replace paragraph [0025] with the following amended paragraph:

[0025] Any variation of the device may contain a solar power cell and battery for dual independent power. ~~A third~~ Another power source may consist of a remote charging base or POP divider placement charging system that is part of the total system and located on the checkout counter and may use a conductive charging system rail system. ~~that is attached to the POP counter.~~ The divider may have a notification indicator to notify the check out clerk that the customer has purchase data to be processed on the checkout counter divider. Any variation will contain an internal individual identification serial number.

DETAILED DESCRIPTION OF THE INVENTION

Please replace paragraph [0037] with the following amended paragraph:

[0037] FIG. 1. Illustrates how the electronic checkout counter divider is used at the (point of purchase) POP counter. The divider 30, 34, 36 will sit in the standby rail 29 where the customer may pick it up or place it at the time of checkout. The divider will be placed on the POP checkout counter 20 between product purchases by the customer 28. One variation method of divider customer check out placement is if the store elects to use electronic check out placement. ~~The customer will enter on the divider to check out 89. A number is electronically assigned to the customer and called up when it's their turn to complete the retail transaction. This method will eliminate the type of long and uneven grocery lines that are now common. In this case the divider also functions as a customer and purchased product placement divider as if it were placed on the POP counter. The variation with the LCD 67 bar code data transfer display will work in conjunction with the POP bar code scanner 22.~~ The check out clerk will scan the LCD generated bar code ~~77~~ Fig. 5 89 that will match the bar code with the store database 25. The LCD bar code may also be scanned with a hand held scanner 27. The transaction is reflected on the customer receipt printed by the register system 21.

Please replace paragraph [0038] with the following amended paragraph:

Please replace paragraph [0038] with the following amended paragraph:

[0038] The LCD bar code display variation may contain a touch keyboard FIG. 3, 36 or a touch menu display FIG. 2, 34. The touch keyboard 66 will contain printed numbers or text for the key commands. It will also contain menu instructions and key prompts that are displayed on the LCD 67. When the customer chooses one or a combination of keys 66 the divider will recall a bar code either stored internally in the divider or on a dividers system computer. The scanned bar code is matched with the store database 25, product and price. ~~The keys selected FIG. 10, 81, 82, 83 will appear on the LCD FIGS. 11-75. The LCD section 76-B is the menu driven instruction and prompt section. Section B frames are an example of the menu prompt commands.~~ The LCD section 77 will display the bar code to be scanned by the check out clerk. LCD section 78 will contain electronic advertising that is stationary or moving. Touch keys 80 are function keys such as on, clear, scroll, and download. Numbered keys will be to enter a product and bar code to be displayed on the LCD. ~~Keys with \$ symbol 82 will be for monetary entry as part of the transaction.~~ The LCD variation may also contain a touch menu display 53 in place of a touch keyboard. The touch menu display variation 53 will be able to access more menu options. This variation may use a wireless method of RF, infrared or microwave to exchange data with the ~~electronic checkout~~ divider system computer 23 ~~or store data base computer 25~~. In a wireless variation data can be transmitted to the divider or from the divider depending on the stores need in a system.

Please replace paragraph [0039] with the following amended paragraph:

[0039] Any variation may contain solar charging cells 56 to supplement battery power. Another power source may be an external charger with charging contacts 57 provided on the divider. A small external check out indicator 55 may be located on any variation to alert the check out clerk of a pending check out transaction. After the LCD bar code is scanned the checker will use the clear key 80F ~~and place the divider for the next customer.~~ The customer receives the transaction printed on a receipt.

Please replace paragraph [0040] with the following amended paragraph:

[0040] A variation of the most ~~capable~~ varied divider and system FIG. 4 will include a touch screen menu display 53, a solar cell 54 for system power and battery charging, a check out clerk notification indicator 55, a card swipe slot 58-52 for store, debit, credit or smart cards, an infrared data exchange port 50, an internal bar code scanner 51, battery charging contacts 57 for the internal battery, audio capabilities, video capabilities and wireless data transceiver. External components are a divider system computer 23 wireless data transceiver system 26 to communicate with the dividers as individual units, ~~weight scales 40 and connecting transeeiver 89 for data relay to the system computer transceiver 23, grocery cart weight scales 38 to weigh scanned products and cart 90 at check out and transeeiver for the weight scale systems 89, 91 to relay data to the divider system computer.~~ The retail tasks it will perform FIG. 5 (but not limited to) will be providing store information 86 and announcements, advertising 87 (still, scroll, audio, video), product updates 89 or announcements, electronic coupons 89 and product discounts, charity donations 89, product self bar code scanning 89, check out functions 89, totals of all the tasks 98 and touch menu area linking directly to any task menu.

Please replace paragraph [0041] with the following amended paragraph:

[0041] The customer will access any one of the retail tasks on the touch menu 86. 53 Sub menus in the tasks will direct the customer through the task. Commands may include scroll, enter, delete, search, letters A through Z, name search, select and others to complete the task. Each divider will contain memory and working, programming and off the shelf software. Each divider will contain a unique identification number in the memory and is sent with all the divider data transmission. The divider system computer 23 will identify and separate all the data transmissions. This will allow the system computer 23 to search for the corresponding data in the store data base computer 25 and relay the purchase data to the particular divider. When the customer is done and the check out task is activated the divider system computer 23 will send the necessary transaction data to the store data, check out computer 25 and register 21.

Please replace paragraph [0042] with the following amended paragraph:

[0042] When the customer accesses the menu task of coupons and discounts 89 the customer will be able to access and display electronic coupons by name or beginning letter. When the customer is finished with that task the total dollars and summary is displayed in the main menu totals area 98. The customer can access any task form the main menu totals area 98. If the customer is ~~self-product~~ self scanning product coupons scanning and scans a product that is in the coupon database the customer will be notified by way of the divider that an electronic discount coupon is available. ~~By way of the about totals task 98 on the main menu the customer may go right to the coupon and select it to use and then go back to the on going scanning process.~~ On the divider variation with infrared port or wireless data transmission system a central geographical location can access any divider system computer 23 via a outside communication hub 24 for telephone, intranet or satellite to delete, update, change or add coupons. Also the central location can learn what coupons were used, date, store location and divider number because every data exchange is tagged with the divider internal identification number.

Please Delete Paragraph [0044]

~~[0044] When the customer is using the divider to self bar code scan product purchases they will access the menu and scan a product 88, 30. The self-scan menu can be navigated with scroll and touch screen commands on the touch display. By entering a weigh command and at the self-scan menu the customer can scan weight products. Upon scanning success the scanner may emit audio to inform the customer if the scan was successful. Then scanning the product bar code 88, 30 located by the product. When the product is placed on the scale the customer will enter the scale number 40 and the weight and purchase data will be entered in totals and purchase pending 98. During scanning the product, information and cost data will be displayed on the touch screen 53 for the customer to accept or decline. Purchases can later be edited by the check out clerk once the purchase completion is in progress at the POP FIG. 1. This will be done after all the transaction data has been transmitted to the store computer data base and register system 25.~~

Please replace paragraph [0045] with the following amended paragraph:

[0045] When the customer enters "check out now" on the divider the divider system computer 23 in conjunction with the store data and register computer 25 compiles and sends the transaction data to the POP register 21 and divider display 98. ~~The grocery cart 90 with the products is pushed onto a weight scale mat 38. The cart and every item in the store have had the exact weight entered into the divider system computer 23. To regulate against shrinkage the total weight of the cart 90 and product purchase 28 is compared with the scanned product data weight in the divider system computer 23 data weight for each item. The cart and products total weight and the matching data base totals for the scanned items should be the same weight. A store may prefer to have a checker bag the products and eye the products scan errors. Another store may want the customer to bag their groceries as they go leaving no need to empty and re-bag groceries.~~

Please replace paragraph [0046] with the following amended paragraph:

[0046] A store, debit, credit or smart card 52 can be read and the processing data forwarded to the processing company. The product purchase data can be downloaded by an infrared data port 50 on the divider and located at the POP 26 or two-way wireless system. The transaction divider 30 will keep the purchase and card data internally until transmitted to the store POP system and register 25, 21, the transaction is completed and then discard it. The other transaction divider version that is not wireless 36 will have internal memory, LCD that displays pre-stored bar codes 67 and an operating program. When finished the customer will receive a transaction receipt and the divider is cleared 80 and placed for the next customer.

NEW PARAGRAPHS:

[0047] On Sheet 4: Shows typical views and electronic configuration although the electronic components may vary through. Fig. 6 is a top view of a typical checkout divider. The keypad version 2 may a supplemental solar charging cell 3 and another LCD display 5. Electronic components will consist of a battery 6 and battery holder 7. The power modulator 8 acts between the battery, external charging and solar cell. A seconded power distribution module 9 sits on the main chases 12. One component may be a programming access socket 13. Component 11 allows control for the LCD and video display.

[0048] On Sheet 5: In Fig. 9 shows the top view of a checkout counter 20. The font view b shows electronic the checkout placed into the holding rail 40 and being charged by conductive current. The current is reduces to 12 volts by unit 42. Contacts on the electronic checkout divider 57 charge the checkout divider by a conductive method.

New Amendment Abstract Under 37 CFR 1.172:

The following new abstract replaces the current abstract under CFR 1.172.

A retail checkout counter product purchase divider adapted to receive interactive electronic components to facilitate interactive retail transaction functions including interactive audio and video displayed on an interactive menu driven touch screen (LCD or other) display and offering a method for dispensing and redeeming electronic manufacturers coupons, receiving or imputing information or data for checkout counter sales, donating to charities and tracking each checkout dividers transactions, receiving streaming advertising and discount information and displaying it on the video display with a versions incorporating a bar code scanning devices to scan coupons or customer store cards, checkout interaction functions with the checkout counter divider management computer that facilitates divider data processing by way of the internet or wireless phone network., card reading device for swiping customer store cards and providing retail transactions such as product discounts or coupons, each divider will act as in individual unit exchanging data with an in store checkout counter divider management computer by a two way wireless method that interacts with outside communications and the central checkout divider and the store register data base and file information, a dividers individual ID number incorporated in the software programming will allow the store register computer and checkout counter divider in store management computer to track transactions and be able to complete donation that is tax deductible or retail monetary costs on their total and to complete a transaction and customer receipt.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 2-3 (canceled)

Claim 1. (Currently amended): A An electronic retail product purchase checkout-counter product purchase and transaction divider comprising:

- a) An elongated hollow body having sidewalls, having access openings, the interior being adapted to receive customer and store interactive electronic components.
- b) The checkout counter divider will be located at the point of purchase counter and replace non-electronic counter checkout dividers with new and improved customer interactive electronic checkout counter dividers.
- c) The checkout counter divider contains customer and store interactive electronics and software to perform advertising, marketing and retail functions. The electronics, software and components will be comprised from standard off the shelf components. The software will contain unique programming as to the checkout dividers installed components.
- d) The checkout counter divider can vary in size and shape to accommodate the checkout counter size requirements and various types of electronic components inserted.

Claim 2. (new): The checkout counter divider electronics contains a two-way wireless communication system for wireless communication of customer input and returned file data information generated from an in store checkout counter divider management computer. The checkout counter divider will have a unique individual identification software and electronic assembly unit number for remote identification, tracking donations, sales transactions, store register computer interaction and advertising management. Each checkout divider will have an individual Identification number for remote identification or programming.

(new): The checkout counter divider management computer will be located in the store and be connected to a wireless transmitter and receiver system and also be connected to the internet or wireless cell phone network, checkout counter divider management computer and interact with the in store register computer, product and customer data files to perform processing of a transaction. The checkout counter dividers will be capable of various options of charity donations, display remotely generated advertising, perform sales transactions, bar code scan discount coupons or customer store cards and transmit or generate product coupons. The checkout counter dividers can be managed, read, programmed and controlled remotely by way of the Internet, wireless phone service and they are controlled by the checkout counter divider management computer. The checkout counter divider will have a unique individual identification software and electronic assembly unit number for remote identification, tracking donations, sales transactions, store register computer interaction, individual programming and advertising management.

- a) The host checkout dividers computer will communicate with the store point of purchase register computer and files to send and receive any customer transaction files, process charity donations, generate advertising and receive, transmit or generate product coupons.
- b) Advertising can be sent in real time to the checkout dividers and displayed on the visual component by way of the Internet or a wireless phone network and interact with the in store checkout divider computer.
- c) Unique identification number included in the divider software and physically on the checkout divider electronic insert will identify the dividers. This will allow remote sorting of the individual checkout dividers for targeted advertising programming and transaction data management.

Claim 3. (new): The checkout counter divider management computer will be located in the store and be connected to a wireless transmitter and receiver system and also be connected to the internet or wireless cell phone network, checkout counter divider management computer and interact with the in store register computer, product and customer data files to perform processing of the transaction. The checkout counter dividers will be capable of various options of charity donations, display remotely generated advertising, perform sales transactions, bar code scan discount coupons or customer store cards and transmit or generate product coupons. The checkout counter dividers can be managed, read, programmed and controlled remotely by way of the Internet, wireless phone service and controlled by the checkout counter divider management computer.

Claim 4. (new): The checkout counter divider will include a variation of video LCD display that is touch interactive by the store customer and contain individual checkout counter divider software. The display will be capable of producing a unique bar code that is scan able by existing store bar code scanner systems with the checkout counter divider interacting with the store point of purchase and register file system computer. The LCD will display interactive advertising and customer interactive transaction functions.

- a) Variations can be produced with touch keys and other types of data entry components.
Variations can be produced to enable certain data entry functions and data criteria as the stores may require.

Claim 5. (new): A retail checkout-counter product purchase divider according to claim 1; wherein the electronic components and software will consist of off the shelf components assembled to interact with the customer using wireless communication systems, checkout-counter divider computer in store management system, store checkout data point of purchase register network computer system and connect with the internet or wireless phone communication network.

- a) The checkout counter divider can contain verifications of customer and store interactive electronics and software to perform advertising, sales, marketing and retail functions.
- b) The checkout counter divider may very containing minimal and maximum components, varied data entry components, varied visual display components, transaction notification alert, bar code scanner, store or merchant card swipe component and components as the store may require.
- c) The checkout counter divider may interact with a store check out counter register or counter remote display.

Claim 6. (new) A retail checkout-counter product purchase divider according to claim 1; The checkout divider will transmit wirelessly using existing wireless communication technology systems to and from a store host computer solely devoted to the checkout dividers management and tracking.

- d) The host checkout dividers computer will communicate with the store point of purchase register computer and files to send and receive any customer transaction files, process charity donations, generate advertising and receive, transmit or generate product coupons.
- e) Advertising can be sent in real time to the checkout dividers and displayed on the visual component by way of the Internet or a wireless phone network and interact with the in store checkout divider computer.
- f) Unique identification number included in the divider software and physically on the checkout divider electronic insert will identify the dividers. This will allow remote sorting of the individual checkout dividers for targeted advertising programming and transaction data management.

Application No. 09/888,554
Amendment Dated January 22, 2009
Reply to Office Action of October 3, 2003

Amendments to References Cited Addition:

References Cited: (new) New references for establishing the checkout counter divider a unique device and is used for a specific purpose as documented by the following cited patents. These references are to be amended to the present references of this patent.

4,537,126	Aug 13, 1985	Gilman	40/19, 40/10
5,933,994	Aug 10, 1999	Misaresh	40/649, 40/661
7,284,347 B2	Oct 23, 2007	Rodrigues	40/661

REMARKS AND ARGUMENTS

In the Detailed Action letter dated September 24, 1983, page 2 Claim Rejection – USC 102 the note, the phrase “acting as a physical product purchase divider” was said to not carry much presentable weight. This is stated because it would be an intended use of any exterior housing including cited prior art.

The following patents are relevant to establishing the weight given in granted patents as to the purchase or checkout divider as it exists and is used as unique machine and a unique for a unique purpose. And is a device in self. I am sighting three patents that where the main claim was that the checkout divider was a unique item and was granted patents for a new and improved version. The USPTO has already granted considerable weight in the concept that a product purchase divider is a unique device by granting past patents for items, parts or products contained within it's exterior. The main claim of this patent application is that electronics are inserted into the checkout counter interior.

Claim Rejections – 35 USC & 102 – Response

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Tracy et, al patent No. 5,979,757 dated Nov. 9, 1999 and Tracy et, al patent No. 5,825,002 dated Oct. 20, 1998. Tracy et, al does not describe a new improved checkout counter product divider. Tracy et, al does not mention that the machine could or will improve or replace the checkout counter product divider. Some methods of data processing are similar but other than proprietary programming the electronic checkout counter divider is a different machine, uses off the shelf components in the construction and serves a different purpose under the revisions enclosed in this **Detailed Action** reply. The patent application for the electronic checkout counter product divider is for a unique machine that is new and an improvement over existing checkout counter product dividers by installing customer interactive electronics. The interactive checkout counter dividers will be located only at the check out counter replacing the existing checkout dividers with new and improved interactive electronic dividers.

(11) Patent No. 4,534,126 Title: (54) Checkout Counter Divider. (22) filed March 19, 1994 (45) Date of Patent, August 13, 1985. Clear weight was given in granting this patent because it was specifically used as a product purchase divider. It describes a Check-Out Counter Divider with a primary claim being that the ends of the divider are removable, the divider will be a clear plastic and that it contains advertising material. CONTAIN CLAIM

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(11) Patent No. 5,933,994 Title (54) "Retail Checkout Divider Adapted To Receive Strips With Indicia Displayed Thereon". (22) filed June 19, 1997, (45) Date of Patent, August 10, 1999. Clear weight was given in this cited patent being that the divider housing and exterior are an integral part of the patent. The patent clearly gives weight that "A Retail Checkout Divider" as precedence of prior patents. Clearly in this cited patent "A Retail Checkout Divider" was given the weight just less of the patent if inserting indicia advertising. This patent also does not mention the insertion of electronics into the divider housing.

(11) Patent No. US 7,284,347 Title (54) Checkout Divider, (22) filed March 28, 2003, (45) Date of Patent October 23, 2007. Considerable weight was given to the checkout or product divider and the ability to insert non-electronic advertising. The granted patent also gave weight to a Checkout Divider can vary in shape and size.

The current application No. 09,888,554, meets all that criteria but is new and improved containing within the patent application, and amendments by this letter, with the insertion of interactive, video and wireless electronic technologies. So the application should be deemed as a new improved and unique checkout counter divider that is unique and an improvements over the past patents..

REMARKS

In every cited example above previous granted patent example a Checkout or Product Purchase Divider as a unique component of the granted patent. The current patent application No. 09,888,554 calls for the use of a checkout or product purchase divider with variations of electronic components installed for interaction with shopping customers.

The examiner cited Tracy, et al. as the primary basis for rejections of claims 1-3 under 35 U.S.C. 102 (b) as being anticipated.

The interactive checkout counter purchase is a unique product and device that has a unique and particular use. The interactive electronic checkout counter divider is a central piece of original art because Tracy et al does not mention that their device could be used as an electronic interactive checkout counter divider such a device. The Tracy et al patent does not describe a checkout counter divider as part of the method or device.

The type of components used in construction and software base program standard off the shelf components. A good percentage of the claims in the Tracy et al patent have to do with methods and the counter checkout divider differs from Tracy et al. Most of these methods were cited in prior art [56] References Cited on patent No. 5,979,757 Nov.9, 1999, and Tracy et al. Patent No. 7,107,221 B1. The Tracy et al patents has a different purpose does not reside at the store checkout counter as a Checkout Divider.

Amendments to the Drawings:

Delete Sheets Figures and elements:

Delete Current Sheet: 4. The attached sheet of drawings includes deletion of current Fig. 6, Fig. 7, Fig. 8, Fig. 9,

Delete Current Sheet: 5. The attached sheet of drawing includes deletion of current Fig. 10, Fig. 11.

New Figures and Elements: Replace previously omitted Figures and elements and have been added or amended with these New Figures and elements.

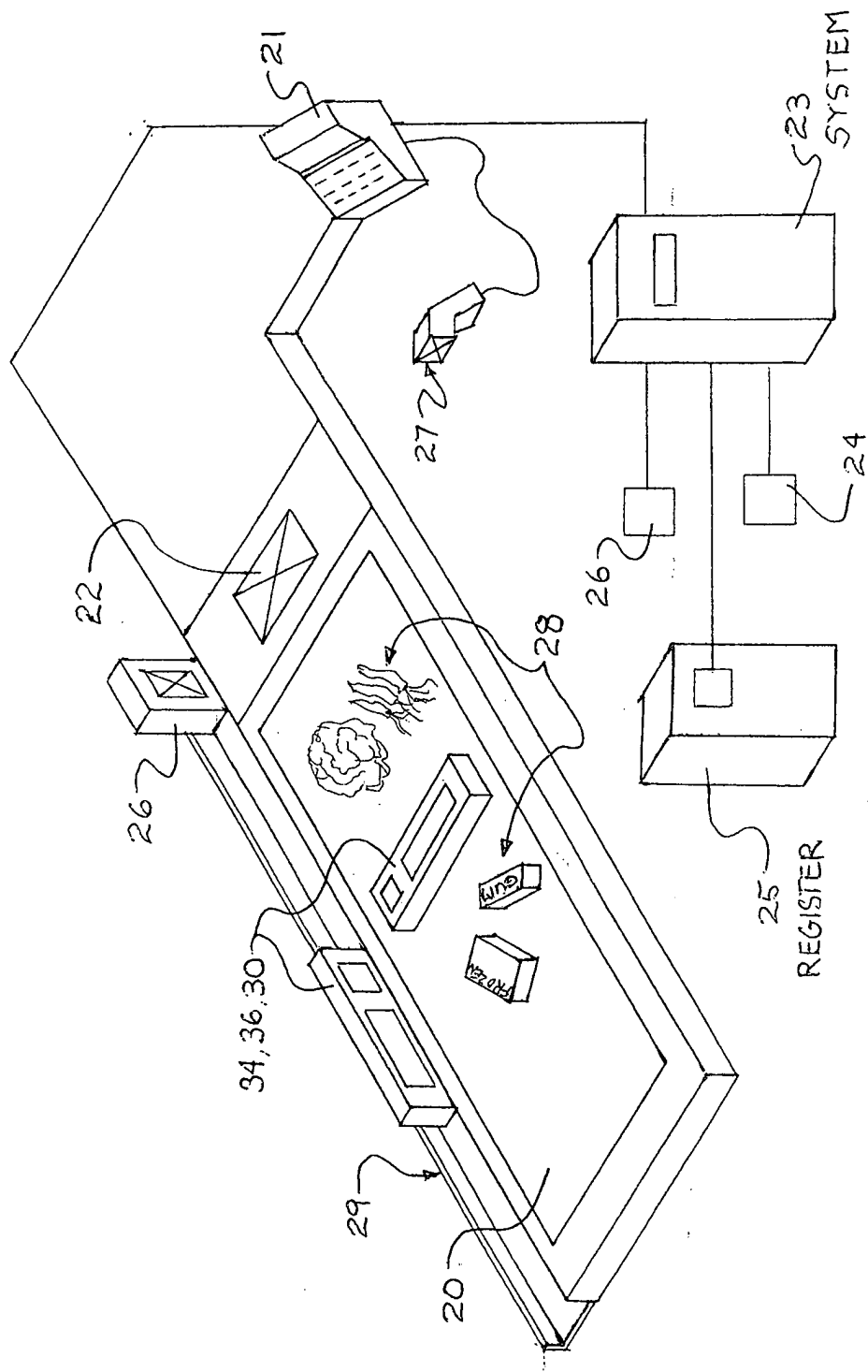
This new sheet that includes Fig. 6, Fig. 7, Fig. 8

In Fig. 6 descriptive elements 2, 3, 4, 5 have been added. In Fig. 7 descriptive elements 2, 3, 4, 5, 15 have been added. Fig. 8 descriptive elements 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 have been added.

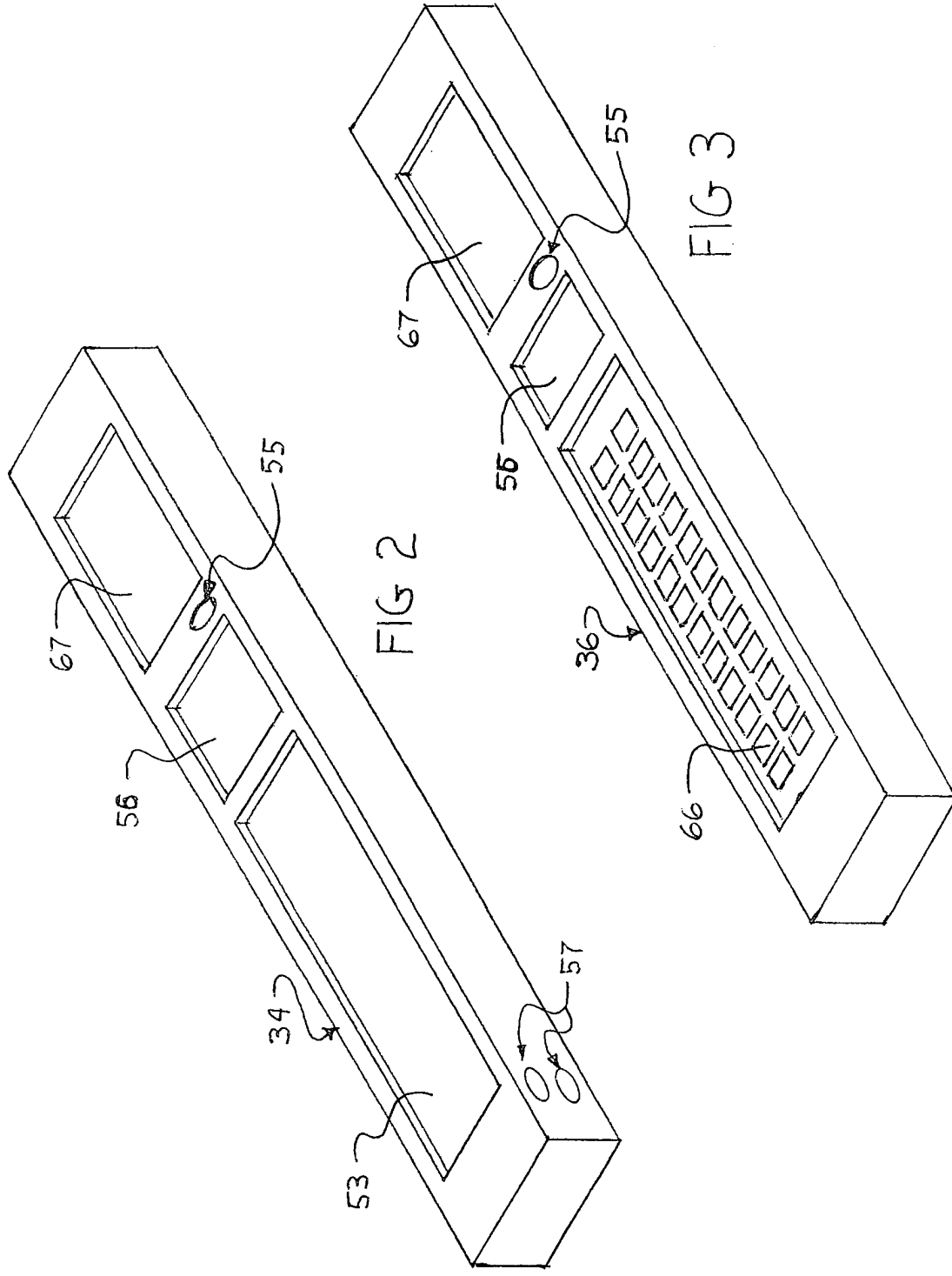
New Sheet Added Containing the Following Figures: Sheet 4: Fig 6, Fig. 7, Fig. 8.

New Sheet Added Containing the Following Figures: Sheet 5: Fig 9, Fig. 10, Fig. 11.

Existing: The existing sheets 1-3 contain no revisions.

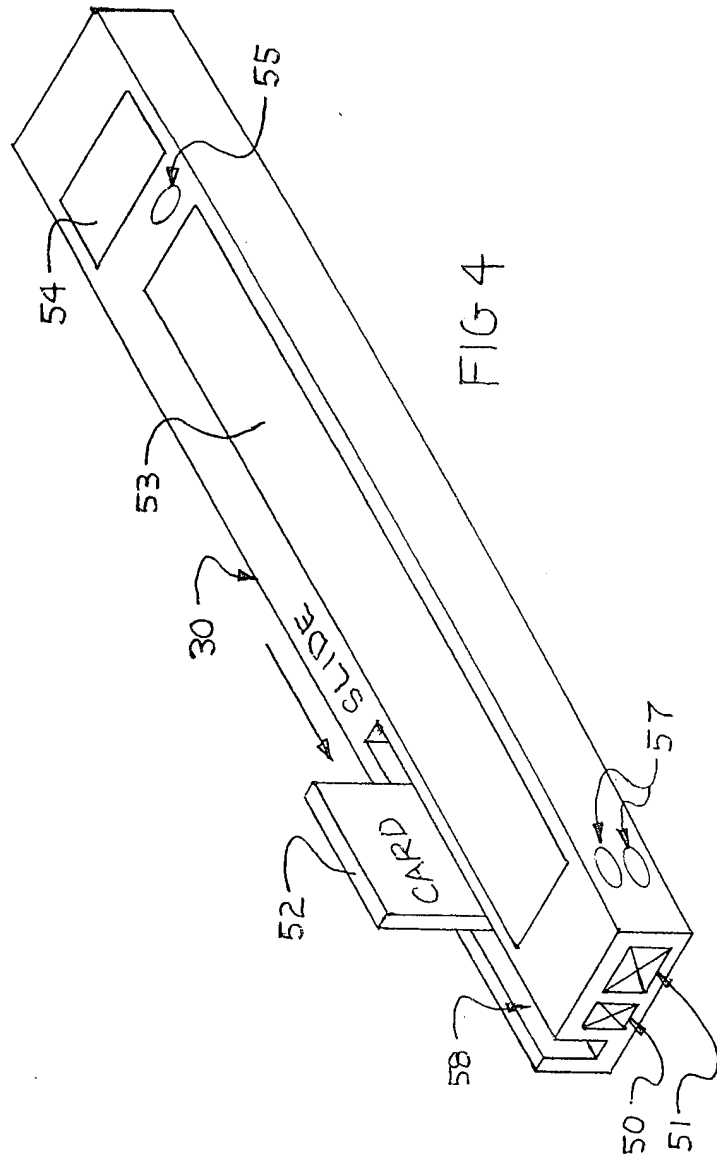


154



85

86		87		88	
MAIN MENU		STORE NAME-ABOUT		ADVERTISING	
COUPON/DISCOUNTS		UPDATES			
DONATIONS		OTHER			
SELF-SCANNING					
CHECK OUT MENU					
ON / CLEAR		INSTRUCTIONS		CHECK OUT NOW	
				89	
				98	
				<input type="checkbox"/> GROCERIES \$ <input type="checkbox"/> TAX \$ <input type="checkbox"/> OTHER \$ <input type="checkbox"/> COUPONS-\$ <input type="checkbox"/> DONATION \$ <input type="checkbox"/> TOTAL \$	



3/5

85

86		87	
MAIN MENU		STORE NAME-ABOUT	
COUPON/DISCOUNTS		ADVERTISING	
DONATIONS		UPDATES	
SELF-SCANNING		OTHER	
CHECK OUT MENU		CHECK OUT NOW	
ON / CLEAR		INSTRUCTIONS	
		89	
		98	
		GROCERIES \$	
		TAX \$	
		OTHER \$	
		COUPONS-\$	
		DONATION \$	
		TOTAL \$	

FIG 5

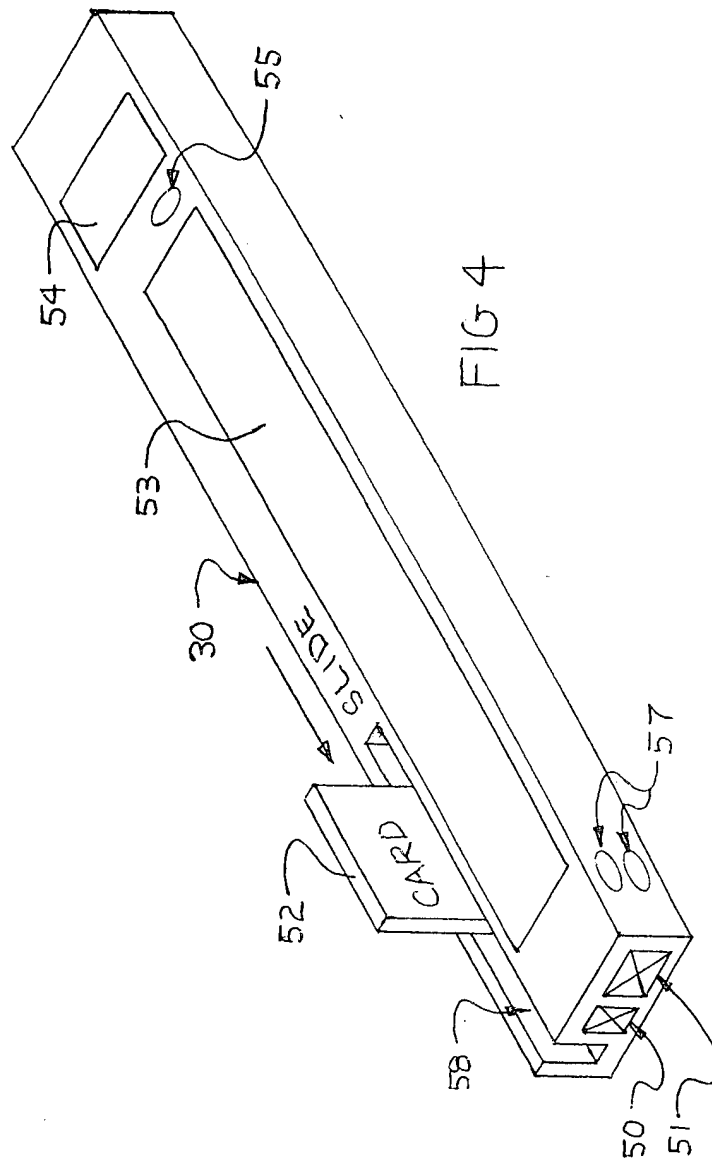


FIG 4

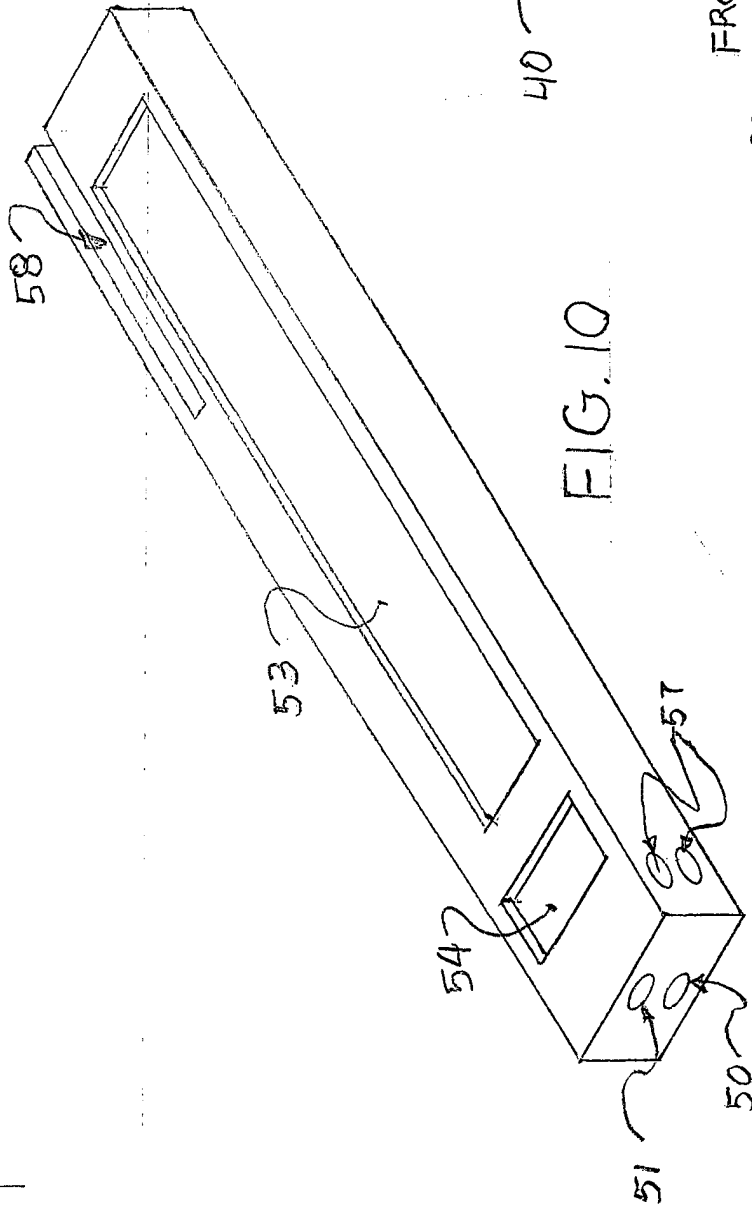
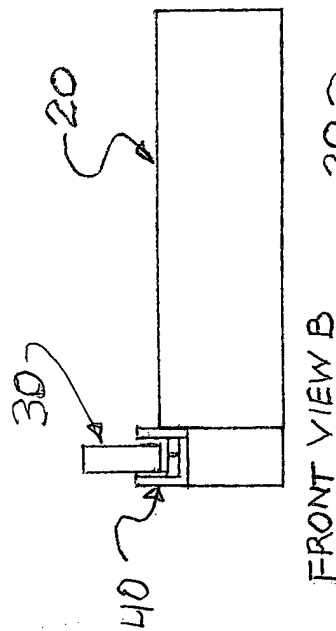
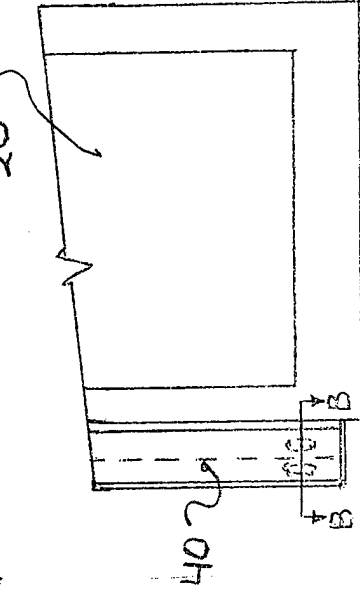


FIG. 10



FRONT VIEW B



TOP VIEW

FIG. 11

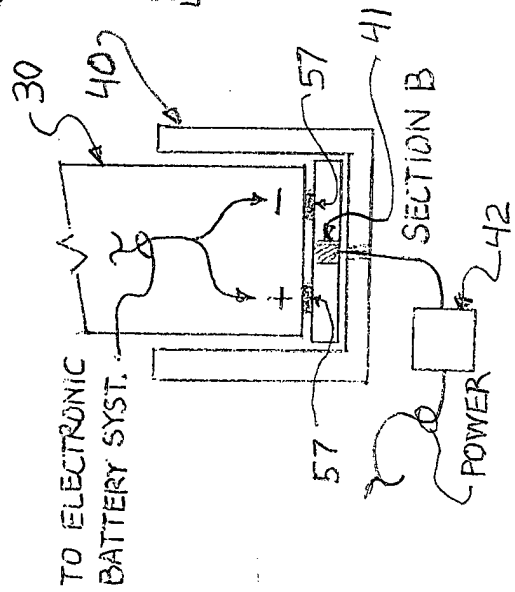


FIG. 9



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,554	06/26/2001	Steven Michael Matthew Senn		1749

7590
Steven M. Senn
5208 - 122 Pl. S.E.
Everett, WA 98208

10/03/2003

EXAMINER	
CUFF, MICHAEL A	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*Copy of Office
Action Summary.*

Office Action Summary

Application No.

09/888,554

Applicant(s)

MATTHEW SENN, STEVEN
MICHAEL

Examiner

Michael Cuff

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
and for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Copy

DETAILED ACTION

Letter concerning provisional application

Applicant submitted a letter, filed 1/22/03, which stated that a provisional application has been filed for this application. Applicant must submit a supplemental declaration/oath, which claims the continuation. The domestic priority date, when properly claimed will change the 102(b) rejection into a 102(e) rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy et al.

Tracy et al. shows, figures 4 and 5, a method and system for presenting item information using a portable terminal 100 (an exterior housing). The terminal 100 has a barcode reader 120 (electronic data input component) and a display 110. Figure 4 shows communications, including price data, through an RF 130 connection (wireless method) between the portable terminal and a POS terminal. Column 7, lines 37-41, shows an electronic marking (attached device identification), which is provided as a means for identifying the location of the bar code by the central processor.

Copy

Note, the phrase "acting as a physical retail product purchase divider" is not given much patentable weight because it is merely an intended use for an exterior housing. In addition, the prior art cited can be used as a product purchase divider.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Katz and Templeton et al. show POS systems of interest.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Michael Cuff 9/24/03
Michael Cuff
September 24, 2003